



BILLING CODE: 3510-BX

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4

[Docket No. 150324296-5296-01]

RIN: 0605-AA38

Public Information, Freedom of Information Act and Privacy Act Regulations

AGENCY: Department of Commerce

ACTION: Notice of Proposed Rulemaking

SUMMARY: This rule proposes revisions to the Department of Commerce's (Department) regulations under the Privacy Act. The Privacy Act regulations are being updated to make technical changes to the applicable exemptions.

DATES: To be considered, written comments must be submitted on or before [insert date 30 days after publication in the Federal Register].

Unless comments are received, the amended system of records will become effective as proposed on the date of publication of a subsequent notice in the Federal Register.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 0605-AA38, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 482-0827. Include the RIN 0605-AA38 in the subject line.
- *Mail:* Ms. Brenda Dolan, Departmental Freedom of Information & Privacy Act Officer, Office of Privacy and Open Government, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Suite A300, Room A326, Washington, DC 20230.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking. All comments received will be posted without change to regulations.gov, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTAL INFORMATION section of this document.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda Dolan, Departmental Freedom of Information & Privacy Act Officer, Office of Privacy and Open Government, U.S. Department of Commerce, 202-482-3258.

SUPPLEMENTARY INFORMATION:

Public Participation: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by the Department.

If you want to submit personal identifying information (such as your name, address, *etc.*) as part of your comment, but do not want it to be posted online, you must include the phrase

“PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted. If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of the comment may not be posted on <http://www.regulations.gov>.

Personal identifying information and confidential business information identified and located as set forth above will be placed in the agency's public docket file, but not posted online. If you wish to inspect the agency's public docket file in person by appointment, please *see* the **FOR FURTHER INFORMATION CONTACT** paragraph.

This rule proposes revisions to the Department's regulations under the Privacy Act. In particular, the action will amend the Department's Privacy Act regulations regarding applicable exemptions to reflect new Department wide systems of records notices published since the last time the regulations were updated. The revisions of the Privacy Act regulations in subpart B of part 4 incorporate changes to the language of the regulations in the following provisions: § 4.33 (General exemptions); and § 4.34 (Specific exemptions).

Dated: April 28, 2015

Catrina D. Purvis,
Chief Privacy Officer and Director for Open Government

For the reasons stated in the preamble, the Department of Commerce proposes to amend 15 CFR part 4 as follows:

1. The authority citation for part 4 continues to read as follows:

5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 553; 31 U.S.C. 3717; 41 U.S.C. 3101;
Reorganization Plan No. 5 of 1950.

2. Amend § 4.33 by adding paragraph (b)(4) to read as follows;

§ 4.33 General exemptions.

* * * * *

(4) *Access Control and Identity Management System*—COMMERCE/DEPT-25. Pursuant to 5 U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). These exemptions are necessary to ensure the proper functioning of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to maintain the integrity of the law enforcement process, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, to prevent interference with law enforcement proceedings, to avoid disclosure of investigative techniques, and to avoid endangering law enforcement personnel.

3. Amend § 4.34 by revising paragraphs (a)(1), paragraph (b) introductory text , paragraphs (b)(1), (b)(2)(i), (b)(2)(i)(C), (b)(2)(i)(F) and (b)(4)(i).

§ 4.34 Specific exemptions.

(a)(1) Certain systems of records under the Act that are maintained by the Department may occasionally contain material subject to 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the Federal Register by the Department that are within this exemption are:

COMMERCE/BIS-1, COMMERCE/ITA-2, COMMERCE/ITA-3, COMMERCE/NOAA-5,
COMMERCE-PAT-TM-4, COMMERCE/DEPT-12, COMMERCE/DEPT-13,
COMMERCE/DEPT-14, and COMMERCE/DEPT-25.

* * * * *

(b) The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the Department, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

- (1) Exempt under 5 U.S.C. § 552a(k)(1). The systems of records exempt hereunder appear in paragraph (a) of this section. The claims for exemption of COMMERCE/DEPT-12, COMMERCE/ITA-1,

COMMERCE/NOAA-5, and COMMERCE/DEPT-25 under this paragraph are subject to the condition that the general exemption claimed in §4.33(b) is held to be invalid.

* * * * *

(2)(i) Exempt under 5 U.S.C. § 552a(k)(2). The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

* * * * *

(C) Fisheries Law Enforcement Case Files – COMMERCE/NOAA-5, but only on condition that the general exemption claimed in §4.33(b)(2) is held to be invalid;

* * * * *

(F) Access Control and Identity Management System – COMMERCE/DEPT-25, but only on condition that the general exemption claimed in §4.33(b)(4) is held to be invalid;

* * * * *

(4)(i) Exempt under 5 U.S.C. § 552a(k)(5). The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

(A) Applications to U.S. Merchant Marine Academy (USMMA)—COMMERCE/MA-1;

(B) USMMA Midshipman Medical Files—COMMERCE/MA-17;

(C) USMMA Midshipman Personnel Files—COMMERCE/MA-18;

(D) USMMA Non-Appropriated Fund Employees—COMMERCE/MA-19;

(E) Applicants for the NOAA Corps—COMMERCE/NOAA-1;

(F) Commissioned Officer Official Personnel Folders—COMMERCE/NOAA-3;

(G) Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3;

(H) Investigative and Inspection Records—COMMERCE/DEPT-12, but only on condition that the general exemption claimed in § 4.33(b)(3) is held to be invalid;

(I) Investigative Records— Persons within the Investigative Jurisdiction of the Department COMMERCE/DEPT-13;

(J) Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14; and

(K) Access Control and Identity Management System—COMMERCE/DEPT-25, but only on condition that the general exemption claimed in §4.33(b)(4) is held to be invalid.

* * * * *

[FR Doc. 2015-10451 Filed: 5/7/2015 08:45 am; Publication Date: 5/8/2015]